

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA ex rel.;  
CORI RIGSBY; AND KERRI RIGSBY

RELATORS/COUNTER-DEFENDANTS

v.

CASE No. 1:06-cv-433-LTS-RHW

STATE FARM FIRE & CASUALTY  
COMPANY, et al.

DEFENDANTS/COUNTER-PLAINTIFFS

**RELATORS' MOTION TO COMPEL COMPLETE AND PROMPT PRODUCTION OF  
DOCUMENTS AND REQUEST FOR RELATED COSTS AND SANCTIONS AGAINST  
STATE FARM FIRE & CASUALTY COMPANY**

Cori and Kerri Rigsby ("Relators"), pursuant to Federal Rules of Civil Procedure 37(a) hereby move the Court for an order compelling State Farm Fire & Casualty Co. ("State Farm") to complete the production of all documents responsive to Relators' Requests for Production of Documents and for related costs and other sanctions against State Farm for failing to comply with discovery obligations. A verified good faith certificate is attached to this motion. Relators would show:

1. State Farm has repeatedly delayed its production of documents responsive to Relators' requests. On four separate occasions, including this past Tuesday, June 2, State Farm produced documents on the eve of a deposition to which those documents related. The documents produced on the eve of depositions had been requested previously but had not been produced in conjunction with State Farm's original responsive production. State Farm has offered only limited explanations as to why its document production has been routinely tardy. In each of these cases, the documents tardily produced appear to be documents readily available to State Farm.

2. Furthermore, on May 25, 2010, State Farm finally produced responsive emails that were sent by or addressed to Ms. King and Mr. Gauvara, two of the key State Farm participants in the actions that are at the core of this litigation. State Farm could not possibly have failed to appreciate that it was required to have searched all of the emails addressed to or sent by these individuals.

3. In an effort to address the concerns raised by the first three instances in which State Farm made supplemental productions on the eve of depositions, Relators' counsel wrote to counsel for State Farm on May 3, 2010. In response, State Farm's counsel indicated that State Farm's production of documents in response to Relators' document requests was complete. In particular, State Farm's counsel stated:

State Farm has made every effort to locate all responsive documents and produce them to you in a timely fashion. We believe we have produced all responsive documents that we have been able to locate to date. If any other responsive documents should be subsequently identified, their production will be made in accordance with the rule.

4. Obviously, the assurances provided by State Farm's counsel were not accurate or reliable. In fact, on June 4, 2010, State Farm confirmed that it will still be producing documents responsive to the Relators' first set of requests for production of documents.

5. Given this history, Relators cannot rely upon State Farm to timely and completely meet its document production obligations.

WHEREFORE, Relators ask this Court to enter an order compelling complete and prompt responses to Relators Requests for production of documents, awarding costs for filing this motion, and granting a limited sanction consisting of a requirement that State Farm's lead

counsel certify that the document search and review procedures employed by State Farm would reasonable be expected to meet its discovery obligations and for such other relief as is just.

Respectfully submitted,

THIS the 4th day of June 2010

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**CERTIFICATE OF SERVICE**

I, C. Maison Heidelberg, attorney for Cori Rigsby and Kerri Rigsby, do hereby certify that I have this 4th day of June, 2010, caused the foregoing document to be filed with the Court's CM/ECF system, which will cause notice to be delivered to all counsel of record.

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